

Claim Rejections - 35 USC § 102 and § 103

Claims 17-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,760,588 to Bailey ("Bailey"). Claim 21 is rejected as being obvious over Bailey as applied to claims 17-20 and further in view of U.S. Patent No. 3,658,611 to Gray ("Gray"). Claim 22 is rejected as being obvious under 35 U.S.C. 103(a) over Bailey as applied to claims 17-20 and further in view of U.S. Patent No. 6,436,496 to Rackovan, et al. ("Rackovan"). Applicant has amended claim 17 and respectfully submits that all pending claims are now in a condition for allowance.

Applicant has amended claim 17 to include that the base film is an insulator for the claimed battery power indicator label. Bailey, however, requires an additional material other than its base film for use as its insulator in order to protect the tester part of the label from the battery cell itself. Unlike claim 17, Bailey's base film (54) is not the label's insulator. Bailey's invention cannot be made without this additional material and thus does not teach amended claim 17. Since amended claim 17 recites a battery power indicator label in which the label's film is used as the insulating material, the need for an additional layer of insulating material as contemplated by Bailey and the other prior art of record is eliminated. Bailey does not anticipate claim 17, and applicant submits the claim is allowable.

Since pending claims 18-22 depend from claim 17, they necessarily include all of its limitations. Therefore, like claim 17, claims 18-22 do not require the use of Bailey's additional insulating material. Furthermore, nowhere in the prior art of record is it contemplated to eliminate the need for the insulator. Accordingly, Bailey, alone or in combination with the other cited art, does not anticipate or render obvious these dependent claims.

Based on this, applicant respectfully submits that these references alone or in combination do not teach claim 17 or dependent claims 18-23. These claims are thus allowable, and the applicant respectfully requests withdrawal of the rejections.

Conclusion

This application is now in condition for allowance and an early action to that effect is earnestly solicited.

Respectfully submitted,

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Amendments to the Claims

1. (Withdrawn) A multilayer label for a battery, comprising:
a transparent, shrinkable outer film forming the outermost layer of the label;
a transparent, shrinkable carrier film having a first transparent adhesive layer on one side confronting the outer layer and bonding the carrier layer to the outer layer and an outwardly visible indicia layer on other side; and
a second transparent adhesive layer adjacent the indicia layer for bonding the label to the battery.
2. (Withdrawn) The label of claim 1, wherein at least one of the outer film and the carrier film are made of polyvinyl chloride.
3. (Withdrawn) The label of claim 1, wherein at least one of the outer film and the carrier film are made of polypropylene.
4. (Withdrawn) The label of claim 1, wherein at least one of the outer film and the carrier film are made of polyester.
5. (Withdrawn) The label of claim 1, wherein the outer film has balanced oriented shrinkage properties.
6. (Withdrawn) The label of claim 1, wherein the carrier film has mono-axially oriented shrinkage properties.
7. (Withdrawn) The label of claim 1, wherein the outer film has balanced oriented shrinkage properties and the carrier film has mono-axially oriented shrinkage properties.
8. (Withdrawn) The label of claim 1, wherein the indicia layer includes a non-metallic pigment that produces the effect of a metallized label.

9. (Withdrawn) The label of claim 1, wherein the outer film and the carrier film include a coextruded film composite comprising two distinct film layers.

10. (Withdrawn) The label of claim 1, including a layer of thermochromic material.

11. (Withdrawn) The label of claim 10, including a conductive layer in thermal contact with the thermochromic layer.

12. (Withdrawn) The label of claim 10, wherein the length dimension of at least one of the outer film and the carrier film exceeds the circumference of the battery by an amount at least equal to the width of the conductive layer.

13. (Withdrawn) The label of claim 10, wherein the conductive layer, when the label is wrapped around a battery, is confronted on both sides by at least one of the outer film and the carrier film.

14. (Withdrawn) The label of claim 1, wherein the outer film has a thickness in the range of about 10 to 25 microns.

15. (Withdrawn) The label of claim 1, wherein the carrier film has a thickness in the range of about 25 to 50 microns.

16. (Withdrawn) The label of claim 1, further including a release liner confronting the second adhesive layer.

17. (Currently amended) A battery power indicator label for a dry-cell battery, comprising:

at least one transparent, shrinkable base film having a printed indicia layer, a layer of thermochromic material, a layer of electrically conductive material and a pressure sensitive adhesive on one side, with the layer of thermochromic material and the layer of conductive material forming a battery power indicator;

wherein the film includes an opening to contact a terminal of the battery, a contact portion to contact another terminal of the battery and the length of the film exceeds the circumference of the battery by at least the width of the battery power indicator so that when the label is wrapped around the battery, the battery power indicator is situated between two portions of the film and the film is the insulator for the battery power indicator label.

18. (Original) The label of claim 17, wherein the base film is made of polyvinyl chloride.

19. (Original) The label of claim 17, wherein the base film is made of polypropylene.

20. (Original) The label of claim 17, wherein the base film is made of polyester.

21. (Previously presented) The label of claim 17, wherein the indicia layer includes a non-metallic pigment that produces markings and design on the label.

22. (Original) The label of claim 17, including an outer film bonded to the outer surface of the base film opposite the indicia layer.

23. (Canceled) The label of claim 17 wherein the film includes an opening allowing a portion of the conductive material to contact a terminal of the battery when the label is wrapped around the battery.

24. (Withdrawn) A multilayer battery power indicator label for a battery, comprising:

a transparent, shrinkable outer film forming the outermost layer of the label;

a transparent, shrinkable carrier film having a first transparent adhesive layer on one side confronting the outer layer and bonding the carrier layer to the outer layer and an outwardly visible indicia layer, a layer of thermochromic material, a layer of electrically conductive material and a second adhesive layer on the other side; with the

layer of thermochromic material and the layer of conductive material cooperatively acting as a battery power indicator; and
a release liner confronting the second adhesive layer.

25. (Withdrawn) The label of claim 24, wherein the layer of thermochromic material and the layer of conductive material are on opposite sides of the second adhesive layer.

26. (Withdrawn) The label of claim 24, wherein the lengths of the outer and carrier films exceeds the circumference of the battery by at least the width of the battery power indicator so that when the label is wrapped around the battery, the battery power indicator is situated between two portions of the films.

27. (Withdrawn) The label of claim 24, wherein the outer film has balanced oriented shrinkage properties.

28. (Withdrawn) The label of claim 24, wherein the carrier film has mono-axially oriented shrinkage properties.